

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

JOSHUA FLORES,

Defendant.

Case No. 20-xr-90052-SK-1

PRETRIAL CONFERENCE ORDER

The Court held a pretrial conference on November 15, 2021, for the one-day, in-person bench trial currently set for November 30, 2021, at 9:00 a.m. As discussed with the parties during the pretrial conference, the Court HEREBY ORDERS as follows:

1. A Daubert hearing for Dr. Cheryl-Grace Patty will be held on 8:00 a.m. on November 30, 2021, prior to the bench trial.
2. The United States must provide a supplemental declaration of Park Ranger Scholtz regarding his current medical condition, by November 24, 2021.
3. The United States' Motion in Limine No. 1 is GRANTED because Park Ranger Scholtz is unavailable as a witness. His prior testimony at the evidentiary hearing will be admitted, but Defendant may cross-examine him by telephone. The United States may also ask direct questions by telephone.
4. The United States' Motion in Limine No. 2 is GRANTED.
5. The United States' Motion in Limine No. 3 is GRANTED; however, objections by any party are preserved for trial on a statement-by-statement basis.
6. The United States' Motion in Limine No. 4 is GRANTED.
7. The United States' Motion in Limine No. 5 is GRANTED.
8. The Defendant's Motion in Limine No. 1 for a bill of particulars is GRANTED.

The Government must provide a bill of particulars by November 24, 2021.

9. The Defendant's Motion in Limine No. 2 is MOOT.

10. The Defendant's Motion in Limine No. 3 is GRANTED, except with regard to the testimony of Officer Scholtz, in accordance with the Court's ruling on the United States' Motion in Limine No. 1.

11. The Defendant's Motion in Limine No. 4 is DENIED.

12. The Defendant's Motion in Limine No. 5 is GRANTED.

13. The Defendant's Motion in Limine No. 6 is GRANTED except as to case agent Zeb Whitaker.

14. The Defendant's Motion in Limine No. 7 is GRANTED.

15. The Defendant's Motion in Limine No. 8 is MOOT.

16. The two video recordings of the incident, including the body camera footage of Park Ranger Scholtz and the bystander video recording, are ADMITTED pursuant to Federal Rule of Evidence 807. Defendant may make specific objections to portions of the video recordings, and the Court will rule on them at trial.

17. The trial will be held in Courtroom D, and the parties are invited to precheck the technical equipment in the Courtroom by contacting courtroom deputy Melinda Lock.

18. Opening, closing, and rebuttal statements will be allowed.

19. No pretrial brief will be required.

IT IS SO ORDERED.

Dated: November 16, 2021



SALLIE KIM
United States Magistrate Judge